

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN W. FRYER,

Plaintiff

v.

C-1-11-662

JOHN C. MIDDLETON, *et al.*,

Defendants

**ORDER**

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 22) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Recommendation of the United States Magistrate Judge (doc. no. 22) is hereby ADOPTED. Plaintiff's Motion for Default (doc. no. 15) is DENIED and plaintiff's Complaint is DISMISSED for want of prosecution

and for failure to obey an Order of the Court. Defendants' Motion to Dismiss (doc. no. 8) is GRANTED.

This case is **DISMISSED AND TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court